

Credit River Township

Meeting Minutes

December 3, 2007

Regular Meeting

Call to Order

Chairman Dan Casey called the meeting to order at 7:05 pm.

Members Present:

Chairman Dan Casey, Supervisor Leroy Schommer, Supervisor Bruce Nilsen

Others Present:

Township Clerk Jerry Maas, Township Treasurer Holly Batton, Township Engineer Jeff Elliott, Township Attorney Bob Ruppe

Meeting Minutes

Chairman Dan Casey asked Clerk Jerry Maas to summarize the minutes from November 19, 2007.

Supervisor Leroy Schommer made a motion to approve the minutes as read. Supervisor Bruce Nilsen offered a second, all in favor, motion carried 3 – 0.

Sheriff's Report

Deputy Turek dropped off the report prior to the meeting.

Chairman Casey read a letter noting that on Tuesday 11/13 there was a report of a sexual assault at 7522 Territory Pass.

There were 109 total calls in the township for the month of November, about average.

Open Forum

- 1) Resident Mike Schilz noted that he had seen the recent article in the Newspaper on the possibility of the township incorporating. Should this happen, he wanted to ask that the board consider contracting with the City of Lakeville police department to patrol the areas of the Township served by ISD 194 as opposed to the City of Prior Lake or the Scott County Sheriff. Mr. Schilz felt that communication between the city police departments and the County Sheriff are cumbersome and that ISD194 residents should be entitled to consistency.

Chairman Dan Casey noted that at a recent meeting with the City of Lakeville, the same topic had been mentioned.

- 2) Clerk Jerry Maas noted that he had received an email from resident Mike Robin regarding steel posts placed in the road right of way on Clemwood Drive and Creekwood Road. The board asked that Attorney Ruppe send a letter to the residents calling attention to the fact that this is against state law.
- 3) Clerk Jerry Maas also presented pictures of large downed trees in the road right of way on Oak Hill Lane. The board indicated that they would look into it.

Agenda Item 1 – Char Shabinger – Discuss Judicial Road Assessment Proposals

Resident Char Shabinger of 19176 Judicial Road noted that they originally bought three parcels of land on Judicial Road years ago. For a variety of reasons she has decided to combine these parcels into a single 40-acre parcel at this time. It would be her hope that the Board would consider this as a single parcel rather than 3 parcels in the event of assessment charges for an eventual Judicial Road repair project. Attorney Ruppe noted that it is premature for the Board to offer comments but he was appreciative that Mrs. Shabinger was keeping the Board informed.

Agenda Item # 2 – Review Loehr Ridge Project

Engineer Jeff Elliott noted that he had received notification from Scott County that the developers wished to make some changes to their approved preliminary plat. In that county and township staff will be meeting with the developer on December 4th, Mr. Elliott wished to get some Board direction as to their thoughts at this time prior to the meeting.

Engineer Elliott reviewed these proposed changes along with comments we received from Bob Kirmis, our township planner. The Board suggested that we insure that we get the easements for future roads at this time.

Attorney Bob Ruppe also suggested that in view of the area being proposed to eventually be commercial that some sort of reciprocal parking agreements be arranged.

The board also asked that Mr. Loehr be asked to send in additional escrow funds to cover costs incurred by the Township in reviewing his project.

Treasurer's Report

1) Developer Escrow summary

Treasurer Holly Batton reviewed the current escrow status.

She reported that she had sent letters to developers for Liberty Creek, The Territory, and Monterey Ponds and not received a response from any of them.

- a) Clerk Jerry Maas noted that he had received a call from Mr. Miller of Monterey Ponds and that he was working on getting his past due amounts in. The Board gave him until the close of business on December 7th to submit his funds. Attorney Bob Ruppe submitted documents necessary to call the Letter of Credit on Monday, December 10th.
- b) The Board asked Attorney Bob Ruppe to send Letter of Default to Mr. Mark Zweber on the Liberty Creek project.
- c) Treasurer Batton noted that the Stonebridge project was \$-3500.00 in arrears.
- d) Treasurer Batton also noted that the Stoneridge project was \$-100 in arrears.

At the request of Attorney Ruppe, Supervisor Leroy Schommer made a motion to authorizer Clerk Jerry Maas to work with Attorney Ruppe on all outstanding Letter's of Credit. Supervisor Bruce Nilsen offered a second, all in favor, motion carried 3 – 0.

Attorney Bob Ruppe noted that in view of a Letter of Credit lapsing for the 1st Addition portion of the Territory Project, Clerk Jerry Maas, Engineer Jeff Elliott and he had met this afternoon with Laurent Development to discuss their situation in order to have some information to present to the board this evening.

Chairman Dan Casey noted that he was very disappointed that a board member had not been invited to participate. Supervisor Leroy Schommer concurred.

Clerk Jerry Maas noted that he had received a request from Laurent for a meeting and that Attorney Ruppe had also previously suggested that we meet with the Laurent people. Consequently at 7:30 am on December 3rd, Clerk Maas began to try and arrange a meeting. It was suggested that Tuesday, December 4th might be a possibility; however Laurent asked that we meet on Monday in order to have information for the board that evening. Clerk Maas noted that he was only able to confirm that a meeting could take place on a one-hour notice.

Clerk Maas also reemphasized that there had been previous discussion of canceling the Town Meeting on December 17th and as a result felt it important to gain information that the Board could act upon this evening.

- a) Engineer Elliott noted that he had repeated the Board's frustration at Laurent's delay in addressing the defective mound. He noted that he had received agreement from Laurent that they would have a plan to present to the Board by January 8th including a deadline for completion of installation.
- b) The Board asked Attorney Bob Ruppe to prepare a snowplowing contract for Territory necessitated by the fact that we still have not accepted the roads in the project. Supervisor Bruce Nilsen made a motion to accept the plowing contract to be prepared by Attorney Ruppe, Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.
- c). In view of the escrow deficiency, the Board authorized Attorney Ruppe to prepare the necessary documents in order to claim the Letter of Credit in the amount of \$50,000 for the 2nd Addition of the Territory.
- d). In that the Board had previously expressed a desire to meet with representatives of Laurent Development, Attorney Bob Ruppe suggested that we could arrange a meeting for Wednesday after 3:30 pm. Supervisor Bruce Nilsen felt that wouldn't be necessary.
- e) Supervisor Bruce Nilsen made a motion to authorize Attorney Ruppe to use his discretion as to whether a letter placing Laurent Development in default for failing to maintain an open Letter of Credit for the First Addition was in order. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.
- f) The Board suggested that Attorney Ruppe prepare to set up a rate hearing to begin the process of billing and collecting for sewer use in the Territory. This would be contingent on the developer completing the replacement of the defective mound.

Engineer's Report

Lynn Drive

Engineer Jeff Elliott reported that at the request of the Board at the last meeting in response to a resident request, he did an analysis of this road. His findings were as follows:

Our Township road inventory is from 2005 and Lynn Drive received a rating of 77 out of 100. The lowest ratings it received were in regards to cracks. The road received ratings of 2 out of a possible 5 rating for the cracks. The Township should evaluate if Lynn Drive will be crackfilled the next time a crackfilling project is conducted. However, we may not be doing crackfilling in 2008. We may be just doing sealcoating.

Clerk Jerry Maas, who had received the original email, will convey these findings on to the resident.

Other Business

1) Continue discussion of Proposed Annexation of 44 Acres on 170th St. By the City of Prior Lake

Attorney Ruppe noted that he had previously submitted a draft copy of this proposal to the board. He had not received any comments from the board and is asking if the board would be in favor of releasing copies to the residents and to the City of Prior Lake.

Supervisor Bruce Nilsen asked about the notification requirements of ¼ mile. Attorney Ruppe noted that was the legal requirement. Clerk Jerry Maas noted that he had been emailing residents of Whitewood Ave, Birch Road and 170th Street during this entire process.

Under part H, Supervisor Bruce Nilsen asked about the phrase “protection measures, if any” and in view of the number of potential problems that might arise, could this sentence be strengthened. Attorney Ruppe suggested striking the words “if any” and adding a sentence specifying, “the City will do a study and in fact **‘implement’** the recommendations of the study”.

Under Section # 12. Supervisor Bruce Nilsen noted that in his opinion, the tax ramp up was too fast. It was noted that this tax “ramp up” would not take place when the OAA was signed, rather when the actual annexation took place, which could be at a much later date.

Chairman Dan Casey recalled that the City had previously indicated that there conceivably could be “extra sewer capacity” at some point in the future. He asked that a statement be inserted that would require any future excess capacity be made available to Credit River to be used in an emergency situation.

Supervisor Bruce Nilsen made a motion to release this document to the residents and the City of Prior Lake with the previously noted changes. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

Resident Jerry Wersal asked if this process was happening too fast?

Attorney Bob Ruppe noted that the City of Prior Lake has approached the Township with this request and it has been his recommendation to the Town Board that we try to take advantage of the timing in view of our parallel efforts to seek city status through incorporation.

Resident Paul Breyen of Whitewood Ave. asked how the zoning will control the buffering, etc between that property and the residents of Whitewood Ave. Attorney Ruppe suggested that a call to Steve Albrecht at the City Public Works Department might be in order.

2) Update on Cress View Estates

Attorney Bob Ruppe passed out a letter from the attorney-representing Scott County in this matter and noted that it was for information only.

3) Discuss Policy on Negative Escrows vs. Agenda Requests

Attorney Ruppe noted that we had previously adopted a policy that stated we would not entertain agenda requests from developers unless the project escrows were current in order to be assured that costs associated with any reviews would in fact be paid for. He noted that we needed to modify that policy as follows:

“Unless otherwise required by law or contract, or it is determined by the Town Board to be in the best interest of the Township, it shall be the policy of Credit River Township not to schedule any agenda topics for projects where the escrow account is in default (negative balance) pursuant to the records maintained by the Township Treasurer.”

Supervisor Bruce Nilsen made motion to amend 2006-003 as suggested. Supervisor Leroy Schommer offered a second, all in favor, motion carried 3 – 0.

Review and Pay Bills

The Town Board approved and paid the following claims:

12/3/2007	4128	Jacques Whitford EcoCheck	October O and M	\$	6,876.34
12/3/2007	4129	Collins Tree	Tree Trimming	\$	2,556.00
12/3/2007	4130	Scott County Treasurer	Final Seal Coat Payment	\$	4,344.47
12/3/2007	4131	Mike's Septic Service	CSTS Tank Pumping-Territory	\$	400.00
12/3/2007	4132	Prior Lake Heating & AC	Town Hall Furnace Repair	\$	138.50
12/3/2007	4133	Dennis Karow	Town Hall-Snow Plowing	\$	95.00
12/3/2007	4134	Xcel Energy	St Francis Street Light	\$	12.31
12/3/2007	4135	CenterPoint Energy	Town Hall Gas	\$	49.78
12/3/2007	4136	Hakanson Anderson Assoc	Engineering-October	\$	14,375.59
12/3/2007	4137	Scott Soil & Water	Oct.Sediment & Eros Insp-Projects	\$	686.00
12/3/2007	4138	Art Johnson Trucking	November Road Maint	\$	510.00
12/3/2007	4139	Couri MacArthur & Ruppe	November Legal Expenses	\$	4,968.75
12/3/2007	4140	Jerry Maas	November Expenses	\$	248.58
12/3/2007	4141	Holly Batton	November Expenses	\$	158.73
12/3/2007	4142	Leroy Schommer	November Expenses	\$	11.64
12/3/2007	4143	Dan Casey	November Expenses	\$	77.01
12/3/2007	4144	Holly Batton	Services as Treasurer	\$	1,366.79
12/3/2007	4145	Dan Casey	Services as Supervisor	\$	900.41
12/3/2007	4146	Jerald R Maas	Services as Clerk	\$	3,324.60
12/3/2007	4147	Bruce Nilsen	Services as Supervisor	\$	678.77
12/3/2007	4148	Leroy Schommer	Services as Supervisor	\$	1,094.35

Adjourn

There being no further business before the Town Board, Supervisor Leroy Schommer made a motion to adjourn, Supervisor Bruce Nilsen offered a second, all in favor, motion carried 3 - 0. The meeting adjourned at 10:15 pm.

Submitted By: (s/) Jerald R. Maas
Township Clerk
Credit River Township

Approved By: (s/) Dan Casey
Chairman Board of Supervisors
Credit River Township